

**A RESOLUTION**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETAINER AGREEMENT WITH THE LAW FIRM OF SMITH, GAMBRELL & RUSSELL, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH MATTERS PERTAINING TO PROPERTY TAXES ASSESSED BY CLAYTON COUNTY, GEORGIA UPON PROPERTIES AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT LOCATED IN CLAYTON COUNTY; TO AUTHORIZE EXPENDITURE FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$250,000.00, TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2H01 524001 H11001; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (the "City") owns and operates Hartsfield-Jackson Atlanta International Airport (the "Airport"), the majority of which is located in Clayton County, Georgia; and

**WHEREAS**, Clayton County has declared certain parcels at the Airport to be of a taxable nature and has assessed property taxes against these parcels. The City disagrees with Clayton County's assessment and is in a genuine dispute with Clayton County regarding the taxable nature of these parcels; and

**WHEREAS**, a favorable resolution of this tax dispute by the City is important to the City on a financial and precedential basis; and

**WHEREAS**, tax law is a specialized and complex area of the law. No attorneys in the City's Department of Law possess an expertise in the area of tax law; and

**WHEREAS**, Section 2-396 of the City of Atlanta Code of Ordinances vests the City Attorney "with complete and exclusive authority and jurisdiction in all matters of law;" and

**WHEREAS**, the City Attorney has determined that, in order to most effectively and efficiently represent the City in this tax dispute, the attorney(s) handling the dispute must continue to have an expertise in the area of tax law; and

**WHEREAS**, the attorneys at Smith, Gambrell & Russell, LLP specialize in the area of tax law and have an excellent reputation; and

**WHEREAS**, on January 21, 2003, the Council of the City of Atlanta authorized the City Attorney to retain Smith, Gambrell & Russell, LLP to serve as outside counsel representing the City in its dispute against Clayton County, Georgia regarding the taxability of parcels at the Airport located in Clayton County and related matters.

**WHEREAS**, the City Attorney recommends that the City continue to retain Smith, Gambrell & Russell, LLP to represent the City in this dispute; and

**WHEREAS**, Smith, Gambrell & Russell, LLP is not able at this time to estimate the total cost of continuing to handle this matter; and

**WHEREAS**, the City requests additional authorization to expend additional funds to compensate and reimburse Smith, Gambrell & Russell, LLP in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00), with the understanding that the cost of handling this dispute may exceed this amount, and that, if necessary, the City Attorney will return to the City Council in the future with a status report on the matter and a request for authorization for additional funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the City Attorney be and is hereby authorized to continue to retain the law firm of Smith, Gambrell & Russell, LLP to serve as outside counsel representing the City in its dispute against Clayton County, Georgia regarding the taxability of parcels at the Airport located in Clayton County and related matters.

**BE IT FINALLY RESOLVED** that the Chief Financial Officer is hereby authorized to continue to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Smith, Gambrell & Russell, LLP in connection with tax matters regarding Airport property located in Clayton County, that are approved for payment by the City Attorney, in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00), to be paid from Fund Account and Center Number 2H01 524001 H11001.